

REMARKS

I. Status of the Application

Claims 1-23, 25-35, 37-51 and 53-72 are pending in the application. Claims 1-23, 25-33, 37, 45-50, 55, and 56 have been withdrawn. Claims 51 and 76 have been amended. Claims 24, 34-36, 38-44, 52-54, and 57-72 have been canceled. Applicants respectfully request reconsideration of the application in view of the foregoing amendments and following remarks.

II. Claims 51 and 73-78 are Novel over Masini

Claims 51 and 73-78 have been rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 5,571,203 to Masini ("Masini").

Masini does not disclose or make obvious a method for fastening an implant in a femur in which an abutment surface is obtained that extends at an angle of 90 degrees with respect to a load axis of the femur, and driving a pin of a fastening element from the abutment surface into bone in a direction between 125 and 145 degrees with respect to the longitudinal axis of the femur, as required by independent claim 51, nor a fastening element for use in such a method and having a pin with a longitudinal axis that extends at an angle greater or equal to 125 degrees and smaller than or equal to 145 degrees, as required by independent claim 74.

The abutment surface of Masini extends at an angle of 90 degrees with respect to the longitudinal axis of the femur, not with respect to the load axis.

Accordingly, the rejection is improper and should be withdrawn.

III. Conclusion

Reconsideration and allowance of all the pending claims is respectfully requested. If a telephone conversation with Applicant's attorney would expedite prosecution of the above-identified application, the Examiner is urged to call the undersigned at (617) 720-9600.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 19-0733.

Respectfully submitted,

Dated: June 25, 2008

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